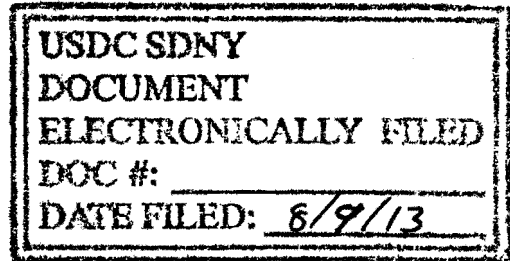


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

FRANK A. DeMEO, :

Plaintiff, :

-against- :

CARL J. KOENIGSMANN, M.D., :

et al., :

Defendants. :

-----X

11 Civ. 7099 (HBP)

OPINION
AND ORDER

PITMAN, United States Magistrate Judge:

This is a pro se civil rights action brought by an inmate in the custody of the New York State Department of Corrections and Community Supervision. In substance and among other things, plaintiff alleges that he suffered a shoulder injury that could only be effectively remedied if he was afforded prompt surgical intervention. Plaintiff further alleges that he was denied prompt surgical treatment and, as a result, has suffered a serious and permanent loss of strength in his arm. The parties have consented to my exercising jurisdiction for all purposes pursuant to 28 U.S.C. § 636(c).

In Docket Item 42, plaintiff seeks a variety of relief. I resolve the applications made in Docket Item 42 as follows:

1. Plaintiff's motion to compel answers to interrogatories and to compel the production of documents (pages 4-6, 12-37) is denied without prejudice to renewal. There is no evidence that this motion was ever served on counsel for defendants.

2. Plaintiff's motion for an extension of time to file an amended complaint in response to motion to dismiss (pages 18-20) is denied as moot. I addressed this motion in my Order dated September 26, 2012 (Docket Item 41).

3. Plaintiff's motion for an extension of time to complete initial disclosures and fact discovery prejudice (pages 15-17) is denied as moot. The motion states it is addressed to a scheduling order purportedly issued by Judge Oetken on or about April 10, 2012. The Docket Sheet does not reveal the existence of any such Order. Accordingly, there is no schedule in place to be extended.

4. Plaintiff's motion for leave to file a supplemental complaint and to join additional defendants (pages 1-3) is denied without prejudice. The affidavit of service annexed to the affidavit filed

in support of the motion (Docket Item 43) indicates
that the motion was served on:

Attorney Generals Office
Att: Jason M. Clark, Esq.
The Capitol
Albany, NY 12224-0341

This not the correct mailing address for defendants'
counsel; the correct mailing address is indicated
below. Accordingly, it appears that this motion was
not properly served on counsel for defendants.

The Clerk of the Court is directed to mark Docket Item
42 as closed.

Dated: New York, New York
August 7, 2013

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

Mr. Frank DeMeo
DIN 84-A-2139
Clinton Correctional Facility
1156 Rt. 374
P.O. Box 2001
Dannemora, New York 12929

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